

Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Time Certain – 2:00 p.m.
Friday, February 6, 2015
Wickenburg Town Hall Council Chambers
155 N. Tegner St.
Wickenburg, Arizona 85390

PRESENT: (Commission)

(Director's Staff)

Chairman Robert E. Mansell
Vice Chair Kurt R. Davis
Commissioner Edward "Pat" Madden
Commissioner James R. Ammons
Commissioner John W. Harris

Director Larry D. Voyles
Deputy Director Ty E. Gray
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Linda Pollock

Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments
for the Illegal Taking and/or Possession of Wildlife

Presenter: Gene Elms, Law Enforcement Branch Chief

Mr. Elms presented the cases below to the Commission. Each of these cases were reviewed and it was determined that all cases met the criteria established in A.R.S. §17-238, §17-245 §17-314, §17-340, §17-362, §17-363 and/or §17-502 for Commission action. The Commission and the respondents were provided with copies of the original court docket and case reports prepared by the officers along with copies of all other pertinent materials in each of these cases. Each of the following individuals was legally noticed for this hearing.

Name	Docket #	Count	Conviction
Wyatt T. Perry	2015-0001	Count A:	Possess unlawfully taken wildlife (Mule Deer)
Jonathan C. Hoppstetter	2015-0006	Count A:	Litter while hunting
Tuan Anh Kim	2015-0007	Count A:	Take wildlife during a closed season (Javelina)
Vien Tri Nguyen	2015-0008	Count A:	Take wildlife during a closed season (Javelina)
Thuong Thanh Tran	2015-0009	Count A:	Take wildlife during a closed season (Javelina)
Wayne W. Santoro	2015-0010	Count A:	Citation A08711 Obtain 2013 resident hunting license by misrepresentation
Wayne W. Santoro	2015-0011	Count A:	Citation A08714 Obtain 2011 resident elk tag by misrepresentation
Matthew C. Markle	2015-0012	Count A:	Litter while hunting
Charlyne I. Farris	2015-0016	Count A:	Citation A08604 Apply for 2012 resident deer tag by misrepresentation
Christopher S. Quayle	2015-0018	Count A:	Citation A08673 Obtain 2012 resident combo license by fraud

Roll call was taken and the following were present: Wyatt Perry, Johnathan Hoppstetter, and Matthew Markle.

Mr. Elms stated that the civil assessment process is not intended to be punitive, but is a process allowing the Commission to recover financial damages to compensate the State for the loss of any wildlife. Hunter Education requirements are imposed as a remedial measure to increase knowledge and prevent future violations and not as punishment. The Commission was asked to consider and take action on the license revocations and/or civil assessments for the individuals listed above.

Motion: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

Vote: Unanimous

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Wyatt T. Perry
Docket # 2015-0001

Perry was found guilty by the Ironwood Justice Court for Count A: Possess unlawfully taken wildlife (mule deer); and sentenced: Fined \$490.00.

Perry was present and addressed the Commission stating that the area was confusing and he did not know he was out of his hunt area. He always reads the regulations and obeys the laws.

The Case Officer was not present, but Officer Nemlowill assisted with the case and was present via video teleconference to answer questions for the Commission. She stated that the signage was sporadic, but the way they drove into the area they should have seen the signage. They were about a mile to a mile and a half into an active bombing range and training area. They also would have seen planes painted orange as targets in that area.

Motion: Ammons moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF WYATT T. PERRY TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST WYATT T. PERRY TO COLLECT THE AMOUNT OF \$8,000.00 FOR THE LOSS OF ONE (1) 5X8 MULE DEER BUCK; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

The Commission discussed that they may want to change the assessment to a shared amount in the future based on another related case.

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The cases of Hoppstetter and Markle were related and addressed together by the Commission.

Jonathan C. Hoppstetter
Docket # 2015-0006

Hoppstetter was found guilty by the Yuma Justice Court for Count A: Litter while hunting; and sentenced: Fined \$792.45.

Matthew C. Markle
Docket # 2015-0012

Markle was found guilty by the Yuma Justice Court for Count A: Litter while hunting; and sentenced: Fined \$792.45.

Hoppstetter and Markle were present and addressed the Commission. When the officer approached them they knew immediately what they had done. They went back and cleaned up their shells as well as numerous other shells. They drove up from Yuma today to show that they were remorseful and to ask for leniency.

Motion: Davis moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JONATHAN C. HOPPSTETTER AND MATTHEW C. MARKLE TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND THEY BE DENIED ANOTHER UNTIL COMPLETING THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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The cases of Tuan Anh Kim, Vien Tri Nguyen and Thuong Thanh Tran were related and addressed together by the Commission.

Tuan A. Kim
Docket # 2015-0007

Kim was found guilty by the Yarnell Justice Court for Count A: Take wildlife during a closed season (javelina); and sentenced: Fined \$493.00.

Vien T Nguyen

Docket # 2015-0008

Nguyen was found guilty by the Yarnell Justice Court for Count A: Take wildlife during a closed season (javelina); and sentenced: Fined \$270.00.

Thuong T. Tran

Docket # 2015-0009

Tran was found guilty by the Yarnell Justice Court for Count A: Take wildlife during a closed season (javelina); and sentenced: Fined \$493.00.

Kim, Nguyen, and Tran were not present.

Motion: Harris moved and Ammons seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF TUAN A. KIM, VIEN T NGUYEN AND THUONG T. TRAN TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Wayne W. Santoro

Docket # 2015-0010

Santoro was found guilty by the East Mesa Justice Court for Citation A08711: Count A: Obtain 2013 resident hunting license by misrepresentation; and sentenced: Fined \$307.50 and ordered to pay restitution of \$238.00.

Santoro was not present.

Motion: Madden moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF WAYNE W. SANTORO TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO

HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Wayne W. Santoro
Docket # 2015-0011

Santoro was found guilty by the Desert Ridge Justice Court for Citation A08714: Count A: Obtain 2011 resident elk tag by misrepresentation; and sentenced: Ordered to pay restitution of \$119.00.

Santoro was not present.

Motion: Madden moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF WAYNE W. SANTORO TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Charlyne I. Farris
Docket # 2015-0016

Farris was found guilty by the Desert Ridge Justice Court for Citation A08604: Count A: Apply for 2012 resident deer tag by misrepresentation; and sentenced: Ordered to pay restitution of \$119.00

Farris was not present.

Case Officer Nemlowill was present via video teleconference and answered questions for the Commission.

Motion: Harris moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CHARLYNE I. FARRIS TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Christopher S. Quayle
Docket # 2015-0018

Quayle was found guilty by the McDowell Mountain Justice Court for Citation A08673: Count A: Obtain 2012 resident combo license by fraud; and sentenced: Ordered to pay restitution of \$343.50.

Quayle was not present.

Motion: Madden moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CHRISTOPHER S. QUAYLE TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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These hearings concluded at 2:48 p.m.

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